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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,551	01/19/2001	Masood Garahi	ODS-19	6623

1473 7590 12/23/2003  
FISH & NEAVE  
1251 AVENUE OF THE AMERICAS  
50TH FLOOR  
NEW YORK, NY 10020-1105

EXAMINER
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MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 12/23/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/766,551**

Applicant(s)  
**Garahi**

Examiner  
**Naghmeh Mehrpour**

Art Unit  
**2686**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-13 and 23-26 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-13 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5-6, 7, 6) ☐ Other:

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### Information Disclosure Statement

1. The information disclosure statement filed reference listed in the information Disclosure submitted on 1/19/01, 4/26/02, have been considered by the examiner (see attached PTO-1449).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 10-13, 24-26**, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Paravia et al.(US Patent Number 6,508,710) in view of LaDue (US Patent Number 5,999,808).

Regarding claims 10, 23, Paravia teaches a method for use in an interactive wagering system (col 1 lines 60-67) comprising:

a communications device that is operable in a wireless communications network in a plurality of localities (col 3 lines 4-15), comprising:

implementing a user-interactive wagering application to provide a wagering service that is operable to a user from the communications device (col 3 lines 21-31);

preventing the user from wagering using the wagering application when the mobile wireless communications device is being operated in a locality where wagering is not legal (col 3 lines 40-56).

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Paravia fails to teach that a method of determining in which one of the localities the user is currently operating the mobile wireless communication device based on which one of a plurality of the base station wireless communications device is associated. However LaDue teaches a method of determining in which one of the localities the user is currently operating the mobile wireless communication device based on which one of a plurality of the base station wireless communications device is associated (col 4 lines 20-25, col 5 lines 11-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of LaDue with Paravia, in order to provide an application for specific data such as gaming and wagering data as well as other specific data application.

Regarding claims 11, 24, Paravia fails to teach a method/system wherein the mobile wireless communications device comprises a cellular telephone. However LaDue teaches a method/system wherein the mobile wireless communications device comprises a cellular telephone (col 4 lines 20-25, col 5 lines 11-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of LaDue with Paravia, in order to provide an application for specific data such as gaming and wagering data as well as other specific data application.

Regarding claims 12, 25, Paravia fails to teach a method wherein comprises a table that includes location information and corresponding rules for different localities. However LaDue teaches a

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method wherein comprises a table that includes location information and corresponding rules for different localities (col 13 lines 50-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of LaDue with Paravia, in order to provide the means and method for gaming or gambling customers to operate globally while concentrating on local serving system operations.

Regarding claims 13, 26, Paravia teaches a method wherein responding comprises responding differently based on which one of the localities the user is currently in when the user selects to access the specific service (col 3 lines 21-31).

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Mages** (US Patent 2003/0032407) disclose system and method for presenting unauthorized use of a wireless or wired remote device

5. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications indented for entry)

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**Or:**

(703) 308-6306, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha Banks-Harold be reached (703)305-4379

Dec 12, 2003

*Marsha D Banks-Harold*  
MARSHA D. BANKS-HAROLD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600